

## DECLARATION FOR PATENT APPLICATION

Docket Number FOM-117.01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Dynamic Performance Measures**

the specification of which (check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_, and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States Provisional application(s) listed below.

60/235,491 Sept 26, 2000  
(Application Number) (Filing Date)

\_\_\_\_\_  
(Application Number) (Filing Date)

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

\_\_\_\_\_  
(Application Number) (Filing Date) (Status: patented, pending, abandoned)

\_\_\_\_\_  
(Application Number) (Filing Date) (Status: patented, pending, abandoned)

☒ I hereby appoint Beth E. Arnold, Reg. No. 35,430; Isabelle Clauss, Reg. No. 47,326; Kirk A. Damman, Reg. No. 42,461; Stephen B. Deutsch, Reg. No. 46,663; William D. DeVaul, Reg. No. 42,483; Jason Gish, Reg. No. 42,581; Dana Gordon, Reg. No. 44,719; Robert A. Greenberg, Reg. No. 44,133; Jennifer K. Holmes, Reg. No. 46,778; David A. Lane, Reg. No. 39,261; W. Hugo Liepmann, Reg. No. 20,407; Jim Olesen, Reg. No. 46,967; Kevin A. Oliver, Reg. No. 42,049; Chinh H. Pham, Reg. No. 39,329; Philip C. Swain, Reg. No. 32,376; Kingsley L. Taft, Reg. No. 43,946; John Quisel, Reg. No. 47,874; Anita Varma, Reg. No. 43,221; Sharon Webb, Reg. No. 47,172; and John L. Welch, Reg. No. 28,129 as attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all telephone calls to Kevin A. Oliver at telephone number (617) 832-1241.

Address all correspondence to: **Customer Id No: 25181**

Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, Ma. 02109-2170

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Melanie Russell

Inventor's signature: Melanie B. Russell

Residence: 3 Clapp Drive, Foxboro, MA 02035

Post Office Address: Same as above

Date: April 19, 2001

Citizenship: United States

☒ Additional inventors are being named separately numbered sheets attached hereto.

Full name of second joint inventor (given name and family name): Fayyaz Hussain

Inventor's signature: \_\_\_\_\_

Date: APRIL 19, 2001

Residence: 62 Fruit Street, Mandsfield, MA 02048

Citizenship: USA

Post Office Address: Same as above

09846899-050101